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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 001567

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TH](#)

SUBJECT: CONSTITUTION AMENDMENT PLAN STRAINS COALITION
TIES, RAISES POLITICAL TEMPERATURE

REF: A. BANGKOK 972

[B](#). BANGKOKG 608

[C](#). BANGKOK 598

Classified By: Deputy Chief of Mission James F. En, reason 1.4 (b) and (d).

[1](#). (C) SUMMARY: The ruling People's Power Party coalition should have enough votes to push through an extensive revision to the 2007 Constitution before the end of the year.

Despite the coalition's numbers, however, the PPP is clearly nervous about the extent and effect of possible public opposition. The PPP has shored up its control of the Parliament by installing a new speaker to replace Yongyuth Tiypairat, suspended from the position while facing election fraud charges. PPP MPs and supporters submitted a motion in support of the amendments on May 21, and it appears likely the Parliament will vote on the first reading of proposal in June. The Parliament should theoretically be able to complete the amendment process before the end of the year. This, in turn, should be fast enough to spare PPP from being dissolved by the Constitutional Court for alleged election fraud, removing this severe penalty before the court can apply it. Elements of the opposition, however, are preparing to make the amendment proposal into a rallying point against the PPP. There also appear to be divisions within the governing coalition and even within PPP about the amendment plans. This conflict and uncertainty will further exacerbate political tensions and distract the government from addressing problems of greater concern to the public. END SUMMARY.

[2](#). (C) Political tensions remain high as the ruling People's Power Party (PPP) proceeds with plans to amend the constitution. The process is likely to play out over the next three to six months in unpredictable ways. The coalition partners do not appear unified in their approach to the amendment process. The opposition, a clamorous and uncoordinated assortment of academics, NGOs, politicians and eminent persons, is similarly divided on exactly what they want, other than to block the amendment plans of the ruling parties. (Note: Septel will discuss the political tensions provoked by the confrontation over the constitution in greater detail. End note.)

WHAT'S THE RUSH?

[3](#). (C) Since the adoption of the new constitution after last year's referendum, there has been general agreement that it would need to be amended. The drafting process was rushed and insufficiently participatory, at least in the view of the academics and activists who are trying to strengthen grassroots democracy here. The junta cast a long shadow over

the drafting process. Nonetheless, some elements of the 2007 constitution were widely viewed as positive, including the strengthening of protections for civil rights, and the beefing up of the independent watchdog institutions like the counter-corruption commission.

14. (C) The main purpose of the 2007 Constitution, however, was to serve as a bulwark to guard against Thaksin's return. It was to accomplish this in part by instituting an election system and safeguards that would make it harder for any one party to monopolize power, and which would severely punish election fraud. This was supposed to impede the creation of another megaparty like Thai Rak Thai. The constitution (Article 309) also protected the Assets Examination Commission, set up by the junta to investigate former PM Thaksin and ensure that cases were prepared and charges filed in court in the alleged cases of official corruption involving Thaksin and other members of his government. A conviction on any of the potential corruption charges against Thaksin could render him ineligible for public office in the future.

FULL SPEED AHEAD

15. (C) When Prime Minister Samak took office, he first said that he would consider amendments to the constitution only toward the end of his planned four year term. Samak personally had nothing to gain from rushing through constitutional amendments; significant changes to the constitution might logically have led to calls for early elections, which might well have spelled the end of Samak's

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term as PM (he is not expected to hang on to power if there is a new election). His plans changed suddenly, however, when it was clear that his People's Power Party would likely face an election fraud case that could lead to the party's dissolution (ref A). The PPP leadership suddenly endorsed a plan to make substantial amendments to the constitution and related laws this year, particularly in the sections specifying party dissolution as a penalty for certain kinds of election fraud. This provoked an outcry from many of the same groups that had opposed former PM Thaksin; they have criticized the PPP for making dramatic changes to the political rules of the game solely for their own self-interest, and not in the interests of the people. Many of these groups are willing to support amendments to the Constitution, but they have called for an inclusive amendment process that involves civil society and grassroots organizations, and envision a procedure that would take more than a year.

16. (C) The amendment plans have also caused some tensions within the six-party ruling coalition. Two of the smaller parties also face possible dissolution for election fraud, and thus are also eager to see the severe penalties for election fraud removed from the Constitution. But some coalition MPs, and even PPP members, have cautiously expressed a preference for a much more modest amendment plan, focusing on the election fraud penalties, rather than the major re-write currently being discussed. Some have also suggested that there should be another referendum to approve any sweeping changes, as the 2007 Constitution was adopted through a referendum process.

17. (C) Of more concern, the open conflict over the constitution amendment process, reminiscent of the turbulent political atmosphere in 2006, has provoked a steady stream of "coup chatter" in the press and public at large, with rampant speculation on possible coup scenarios. Journalists and respected academics have warned publicly that, if the PPP pushes through amendments just to prevent itself from facing the consequences of election fraud, it could provoke another coup. Army chief Anupong and other senior military officials have in response issued almost daily denials that they plan

any intervention in politics.

PPP MARTIALS ITS FORCES

¶8. (C) Amid all the hubbub, the PPP is steadily pressing ahead with its plans. Embattled Parliament speaker Yongyuth T., who faces election fraud charges (ref B), formally resigned as speaker in April. Yongyuth was suspended from carrying out his speaker duties while his fraud case was being heard. With Yongyuth suspended, the Senate Chair -- no friend of the PPP -- would have presided over the joint sessions of the parliament considering constitution amendments. It was therefore widely understood that PPP needed a reliable House Speaker in place to shepherd through the constitution amendment process. In order to ensure this, Yongyuth formally stepped aside to allow a permanent replacement to be chosen as House Speaker. On May 12, the lower House elected Chai Chidchob.

¶9. (C) Chai, an 80-year-old political veteran, is the father of banned politician Newin Chidchob (who is generally viewed as one of Thaksin's staunchest supporters and his master of political dirty tricks). The vote showed some weakness in the coalition, as twelve coalition MPs abstained, and two voted against the PPP candidate. Chart Thai leader and former PM Banharn complained of the high-handed tactics of the PPP and told the press that former PM Thaksin himself had called to lobby Chart Thai members for their votes. Factions within the PPP also complained about the choice, with fairly open dissent reflected in leaks to the media. Although the press has made much of the fact that some coalition members broke ranks, the PPP candidate was still elected by a comfortable majority. (283 of the 480 MPs voted for him. PPP has only 233 MPs, so clearly it drew significant support from coalition partners.)

NEXT STEPS

¶10. (C) On May 21, 164 MPs and senators submitted a motion calling for the amendment of the constitution. The group included 123 PPP MPs, plus 11 MPS from three smaller members of the coalition. Chart Thai (the largest coalition partner,

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with 34 seats) and Pracharaj (the smallest, with only 5 MPS) did not sign on to the motion. Thirty senators also signed the motion. Minister in the PM's Office Chusak, who has the lead on constitution issues for the government, told us earlier this month that PM Samak was very concerned about the amendment process. Samak feared that, if the government proposed the amendments, and the vote somehow did not pass, he would be obligated to dissolve the parliament and call a new election, as this would be a serious defeat for the government. Therefore, Samak wanted the constitutional amendments to be proposed as a motion by the MPs directly, not as a government initiative. According to Chusak, Samak thought this would insulate the government, in case the proposal ran into trouble.

¶11. (C) Minister Chusak anticipated that parliament would vote on the first reading during the anticipated special June session of the Assembly, which will be called to consider the budget. The amendments need only a simple majority of the combined House and Senate to pass (316 out of 630 seats). The party dissolution cases are proceeding slowly and deliberately; the best estimate is that the PPP case is unlikely to be decided until close to the end of this year. (The time is tighter for Chart Thai and Matchima, which are both further along in the dissolution process - ref C.) Nonetheless, as long as the MPs consider the amendments themselves, without convening any kind of constitutional drafting assembly of jurists, they would seem to be able to beat the clock, and push through the amendments, at least before the courts rule on the PPP party dissolution.

COMMENT

¶12. (C) The election of the new speaker has demonstrated both the strengths and the weaknesses of the governing coalition. Public grumbling within the PPP, as well as from Chart Thai and others, shows some cracks in the government coalition, but the PPP still easily managed enough votes to install its choice as Speaker in the end.

¶13. (C) In the same way, based on arithmetic alone, it seems like PPP should be able to push through whatever constitutional amendments it likes. The coalition already has the necessary 316 MPs. If any fall away (whether for election-fraud related suspensions, or because they disagree with the proposed amendments), PPP should be able to win the support of enough of the 150 Senators to make up the loss. But in spite of the math, some PPP leaders seem genuinely concerned about the prospects for their amendment plan, and elements of the opposition are preparing to make the amendment process a rallying point for protests against the government. All of this conflict and uncertainty will ratchet up already high tensions, and distract the government from what might be more productive and popular uses of its time.

JOHN